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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,677	06/12/2001	Yesim Erke	END920010025US1	5004

7590

04/03/2006

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,677

Applicant(s)

ERKE ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6-10,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,6-10,19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ettl et al. (US5946662).

Ettl et al. disclose the limitations of the claims (See specifically Columns 24-29, "8 Demonstration") except the specific teaching of providing handling costs for each of the stocking locations, and the equipment requiring one or more parts installed at the customer locations.

The limitations lacking in the prior art are well known issues/scenarios in business and to modify Ettl et al. to include the provision of handling costs and to have the parts be required by equipment at the customer locations, would have been obvious to one of ordinary skill in the art at the time of the invention in order to consider all costs and scenarios when using the optimizing software.

Claims 2, 6-10, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ettl et al. (US5946662) in view of Kalyan et al. '538.

Ettl et al. disclose the limitations of the claims (See specifically Columns 24-29, "8 Demonstration") except the specific teaching of providing handling costs for

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each of the stocking locations, the equipment requiring one or more parts installed at the customer locations, and the parts being grouped by importance into a plurality of groups and the pre-specified time comprises a corresponding plurality of times.

Kalyan et al. teach that a product may have multiple components (See for example Col. 9, lines 41-54; ***constituting a “plurality of groups”***) whereby the MAV (minimum accepted value) is calculated for each component. Each MAV calculated is a function of “lead time” (See Col. 9, lines 54-56; ***which correlates to applicant’s claimed “plurality of times”***).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettl et al. to include grouping the parts whereby the groupings have a corresponding plurality of times, in view of Kaylan et al., in order to account for the variables in pricing associated with lead time.

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Ettl et al. to have the groups be grouped by importance, as a customer would want to ensure that the most critical components arrive in less time than the less critical parts.

The further limitations lacking in the prior art are well known issues/scenarios in business and to modify Ettl et al. to include the provision of handling costs and to have the parts be required by equipment at the customer locations, would have been obvious to one of ordinary skill in the art at the time of the invention in order to consider all costs and scenarios when using the optimizing software.

Response to Arguments

Applicant's arguments received 12/22/2005 with respect to all claims have been considered but are not convincing. The applicant argues that because the present application and Ettl et al. are commonly assigned to IBM, the Ettl et al. reference is effectively removed with the submission of a terminal disclaimer. However, the Ettl et al. reference qualifies as prior art under 35 USC 102(b), hence the reference cannot be removed by the showing of common assignment as described in 35 USC 103(c).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

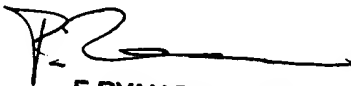
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Patent Examiner, A.U. 3627
March 29, 2006

 3/29/06
F. RYAN ZEENDER
PRIMARY EXAMINER